

**IVINS
CITY COUNCIL
MINUTES
August 4, 2016**

1) WELCOME AND CALL TO ORDER

MAYOR AND COUNCIL: The meeting was called to order at 5:30 p.m. and announced there was a quorum present.

All present included Mayor Hart, Council Member McDonald, Council Member Johnson, Council Member Roberts, and Council Member Densley.

STAFF: Parks and Recreation Director Benny Sorensen, Public Safety Director Bob Flowers, Building and Zoning Administrator Kevin Rudd, Public Works Director/City Engineer Chuck Gillette, City Manager/Attorney Dale Coulam, and City Recorder Kari Jimenez.

EXCUSED: None.

Audience: Don Matthews, Dan and Jan Brown, Claudette Larsen, Lisa Rutherford, Delores Osborn, Richard Bryan, Bob and Judy Sporrang, as well as others who did not sign in.

A. Acknowledgement of Quorum

Council Member Dennis Mehr absent.

B. Flag Salute--**Council Member Ron Densley**

C. Invocation--**Council Member Ron Densley**

D. Disclosures

Council Member Cheyne McDonald stated that on the RV resort issue, the applicant uses his shops for servicing their vehicles; **Council Member Steven Roberts** stated that on Items 4A and B he has relatives that live adjacent to and around that area. No other conflicts.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

A. Department Reports: Parks and Recreation and Public Safety

Benny Sorensen submitted a written report and updated on Fire Lake. They did a treatment with a product called Earthtec which is an algicide and they will keep an eye on it. There were two cases reported of swimmers itch in the last month. They plan to treat every 21 days during the swimming season. The Southern Utah Table Tennis Club has met for the last two months at the UNITY Park building on Saturdays. We really haven't seen much vandalism or damage. We suffered some washouts with the rain and had to haul more sand back in. The lake and restroom has been a good thing with only one or two issues.

Mayor Hart stated that Public Safety submitted their report in written form. Bob Flowers is excused.

B. Planning Commission Report

Chairman Jeffrey Loris reported that the Planning Commission had a short meeting on Tuesday. They approved a Bed and Breakfast application and discussed high density zoning areas in the City. He stated that Kevin Rudd came up with an option to focus on the old Historic Township area for infill based on a block system; they are continuing to discuss that.

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS--None.

4) PUBLIC HEARING AND ACTION ITEMS

A. Public Hearing on the Planning Commission's recommendation to approve a proposed Land Use Amendment from Medium Density Residential to High Density Residential for property

located on the southwest corner of 100 West Center Street. Episcopal Diocese of Utah, Owner: RDM Land and Development, LLC Don Matthews, Applicant

Kevin Rudd stated the location in proximity to the firehouse and church. The current land use is medium density residential and the zoning is RE-12.5, which is 12,500 sq ft. The Planning Commission looked at this area and it is near the bus transit system. They recommended this for approval; it is a logical place and central in the City. **Mayor Hart** opened the Public Hearing. Charles Hammon stated that he is the design engineer with Excel Design Associates and are consultants and designers for the RDM team. Oftentimes hearing high density gets an adverse response. We wanted to let the public know the design intent for this property and worked hard to promote a well-designed project and product. You won't see all the front doors. It will actually be a pinwheel design. It is attractive to the eye and the intent is to have garages with each one of the units and those aren't seen from the street either. It is in a beautiful location and is part of City Central. Lisa Rutherford expressed support for this project. She participated in the Vision Dixie process in 2007 and dealt with infill in our communities to help with expanding out. This is a good way of getting it going in Ivins and get the infill idea moving ahead. There being no further comments, **Mayor Hart** closed the Public Hearing.

B. Discuss and consider approval of Ordinance No. 2016-15, an Ordinance of Ivins City, Utah, amending the Land Use Plan

Mayor Hart stated we are not approving an architectural style. This was just a visual aid for this particular applicant's concept. **Council Member Cheyne McDonald** stated he owns property within the bubble, but has no conflict with the change. **Council Member Steven Roberts** inquired on the zoning, would that be in effect for the townhomes? **Kevin Rudd** stated yes, if they receive this land use change their next step is to do a zone change and they would request this townhome zone. **Council Member Steven Roberts** stated he would like to see high density fill in throughout, rather than in one area, but he has no problem with the current agenda item. **Kevin Rudd** stated staff and the Planning Commission are looking at the entire old township area to identify potential areas for high density residential. If we don't do that then property owners come in and request without our vision. Spreading it out in the old township makes sense. **Mayor Hart** stated he is in agreement with Lisa Rutherford's comment and with Rocky Vista University coming and students who would prefer to not be in student housing, the proximity of this area is ideal. **Council Member Ron Densley** inquired if the developer intends to make them rentals? **Kevin Rudd** stated that their intent would be to subdivide them as townhomes and each unit would be individually owned. Robert Ence has that same option in the future.

MOTION: Council Member Densley moved to approve Ordinance No. 2016-15, an Ordinance of Ivins City, Utah, amending the Land Use Plan.

SECOND: Council Member McDonald

VOTE: The motion carried.

Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Densley	AYE
Council Member Mehr	ABSENT

C. [Public Hearing on the Planning Commission's recommendation to approve a proposed Zoning Text Amendment to the Ivins City Zoning Ordinance to add a new Townhouse Zoning District](#)

1 **Kevin Rudd** stated this would become a new district within our high density land use. Currently
2 we have an R-1-5 zone and a R-2-6 Duplex zone, which we have not had many requests for. We
3 have multi-family and now this townhome zone, which is restricted strictly to townhouse units.
4 The only change by the Planning Commission was to require a minimum one-car garage but he
5 personally suggests requiring a two-car garage. By doing so though, it does reduce their density.
6 They are proposing 26 units, without garages; they could get 36 units on the property without
7 garages. The tradeoff would be that with a two-car garage they'd have a ten-foot setback. The
8 height is the same as residential at 25 feet. **Mayor Hart** opened the Public Hearing. Lance
9 Anderson stated that high density can still have the option of building a townhome with no
10 garage or a single garage. **Dale Coulam** stated that an absolute requirement for a two-car garage
11 would increase the cost and affect the affordability. Some projects do a mixture of single family
12 garage townhomes and double car garage townhomes so in making their recommendation, the
13 Planning Commission stated a minimum one-car garage. If they want to do a traditional
14 townhome project, all that is required is one parking space and one covered parking space. Lance
15 Anderson stated they can still build a project like Robert Ence's, but there is an option for a two-
16 car garage in the townhomes zone. Charles Hammon pointed out that there is a trend in land
17 planning, especially in medium to high density living, people working collectively towards a
18 common amenity used by all. There being no further comments, **Mayor Hart** closed the Public
19 Hearing.

D. [Discuss and consider approval of Ordinance No. 2016-16, an Ordinance of Ivins City, Utah, amending the Zoning Ordinance to add a Townhouse Zoning District under High Density Residential Land Use](#)

20 **Mayor Hart** stated in creating this zone, you are also creating something that allows the
21 surrounding property owners to have a clear understanding of what can ultimately be built in this
22 zone. Suggesting a two-car garage and setbacks will make it more residential in nature. **Council**
23 **Member Ron Densley** noted that we would need to amend the ordinance if we go along with the
24 two-car garage and setbacks. **Mayor Hart** stated the only downside on the setback is that the
25 building presented is a mansion style, it is a much larger building than a typical single family
26 residence. **Kevin Rudd** stated yes but we could attach that setback to keeping them in smaller
27 bundles, like a four-plex or less in order to have a 10' setback. **Council Member Ron**
28 **Densley** stated in the multi-family zone we would have a townhouse zone with an option of
29 multi-family one-garage or a two-car garage and then the same thing as the land use. **Kevin**
30 **Rudd** stated right now the land use is strictly high density residential, but this would now
31 become another zoning district.: A two-car garage would create a higher end product. **Mayor**
32 **Hart** stated in his opinion if you have a unit that is 1000 feet or larger, you should have a two-
33 car garage. **Kevin Rudd** stated we wanted a higher density zone with assurance for the neighbors
34 that it would be a higher end product. **Council Member Ron Densley** stated he likes the idea of
35 a developer being able to broaden their market **Kevin Rudd** stated if a developer wants that
36 flexibility, he would need to apply for the RM zone. **Council Member Ron Densley** inquired if
37 the 10' setback would be retroactive to the rest of multifamily? **Kevin Rudd** stated no. Multi-
38 family is based upon a 20 foot setback. **Council Member Ron Densley** clarified that under the
39 two-car garage townhouse, it would be okay to go with a 10' as long as the building is a four-
40 plex or less. **Council Member Steven Roberts** stated if we go through the City and designate

high density areas on the land use, and we give the option to developers to do this, isn't our goal of getting affordable housing out the door? **Kevin Rudd** stated that the City Council could make those decisions now on the zoning and not wait for the property owners. That would require public hearings and it isn't going to be pleasant. This is good planning. Infill in the old township makes sense. **Council Member Steven Roberts** stated that Vision Dixie didn't just say the old township. They wanted the City to stay where it's at and build up throughout the City. On the garage being single versus double, what was the Planning Commission's reasons for recommending that? **Kevin Rudd** stated it was a way to meet in the middle. It increases the value but was still affordable housing. **Council Member Steven Roberts** suggested lot averaging or a minimum size unit to trigger a one or two-car garage. **Council Member Ron Densley** stated if we designate vacant parcels, we still have to get the property owners permission. **Kevin Rudd** stated yes they would be contacted first. If they say no, we will stop right there. We will respect that. **Council Member Cheyne McDonald** stated that he feels the flexibility is already there through the different zones. What Council is trying to create is a step up. The flexibility is still there. **Council Member Jenny Johnson** agreed. **Mayor Hart** stated that City Council needs to decide if it is a good idea to adopt this zone and if we like the idea of two car garages. **Council Member Ron Densley** stated that he agreed with Council Member Steven Roberts. **Council Member Steven Roberts** stated he can picture a single person with a larger place but only needing a single car garage. **Mayor Hart** stated there would need to be a qualifier. **Council Member Cheyne McDonald** stated he would not be in favor of that in this zone. **Council Member Jenny Johnson** stated she is in favor of two-car garages. **Mayor Hart** stated that the setback was the other significant issue. There is an incentive for them to do that, and keep them four units or less. **Dale Coulam** stated the motion would require specific language to be stated if it is to require a two-car garage and setbacks reduced to 10 feet for townhomes of four units or less.

MOTION: Council Member Johnson moved to approve Ordinance No. 2016-16, an Ordinance of Ivins City, Utah, amending the Zoning Ordinance to add a Townhouse Zoning District under High Density Residential Land Use with the following amendments; a two-car garage in each unit and a 10 foot setback with the clustering of four units or less.

SECOND: Council Member McDonald

VOTE: The motion carried.

Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Densley	NAY
Council Member Mehr	ABSENT

Roll call vote. **Council Member Ron Densley** voted Nay. All others were in favor.

Council Member Cheyne McDonald excused at 6:30 p.m.

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. [Discuss and consider approval of a Revocable License Agreement between Ivins City and Rocky Vista University](#)

Dale Coulam stated a private utility easement across our right-of-way would be permanent whereas a license can be revoked if certain circumstances change. As drafted, this license will be revocable in two ways: the City could say it didn't want the conduit in this location anymore; or if the existing Snow Canyon Clinic was sold to a non-related third party, and there is no longer a need for communication between the two. In consideration, Rocky Vista will also put in

a conduit for Ivins City for crossing lights in the future. It is a way to benefit both parties. **Council Member Ron Densley** inquired if it was just one conduit because the electrical and communication conduit wouldn't be in the same pipe. **Chuck Gillette** stated they put a sleeve in and two conduits in the sleeve. **Dale Coulam** stated there is a legal description for the license agreement stating where the conduit(s) would be located.

MOTION: Council Member Johnson moved to approve the Revocable License Agreement between Ivins City and Rocky Vista University as explained.

SECOND: Council Member Densley

VOTE: The motion carried.

Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Densley	AYE
Council Member McDonald	ABSENT
Council Member Mehr	ABSENT

B. [Discuss and consider approval of the 2016 Amendment to the Amended Memorandum of Understanding between Ivins City and Kayenta for the development of an additional temporary fire access road.](#)

Chuck Gillette stated we are amending an amended Memorandum of Understanding. The original MOU was in 2006. It was an agreement with Terry Marten for the fire roads. They have been a nice benefit to prevent wildfires in this area. The purpose of the road is to provide fire access. There is a potential for some other benefits for the Basin Project but we showed this road to our acting Fire Chief Nick Hallman, who has a lot of experience in fighting wild land fires, (he was a leader of a hot shot crew) and he said this road is critical to keep access up there and prevent wildfires more effectively. We will be working with Kayenta on any potential drainage issues. **Dale Coulam** stated this will now provide a safer way to fight a fire. It gives dual access into the area and added protection to homes on Cochise Way in Kayenta. **Chuck Gillette** stated if this is approved, we may see grading as soon as next week. **Council Member Ron Densley** inquired who is paying for this? **Chuck Gillette** stated Terry Marten will be clearing the road but if the City uses it, we may improve it further. That's an option to give it all-weather access.

MOTION: Council Member Roberts moved to approve the 2016 Amendment to the Amended Memorandum of Understanding between Ivins City and Kayenta for the development of an additional temporary fire access road

SECOND: Council Member Johnson

VOTE: The motion carried.

Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Densley	AYE
Council Member Mehr	ABSENT
Council Member McDonald	ABSENT

C. [Continued discussion regarding Recreational Vehicle Resorts](#)

Dale Coulam stated version 2 with all the changes suggested at the last City Council meeting was included as a tab to the agenda. One area where there was some discussion back and forth was regarding the 180 days maximum stay. **Mayor Hart** referred to page 2, "dependent RV sites are only allowed to adjacent tent sites and no more than 10% total sites in the RV Resort and what's in red is what was discussed. The next one is further down the page, #7. He has a concern

1 because the Planning Commission studied this extensively moving tent sites from 1600 square
2 feet to 400 square feet. He understands someone can pitch a tent on a small space, but that
3 doesn't space the sites apart. He felt 400 square feet is too small, because you need to be able to
4 park a vehicle on the site. He suggested at least 800 square feet. The next redline was on Page 5
5 regarding equestrian use allowed with 100' separation anywhere other than BLM property. The
6 RV resort must also have written permission to access the BLM property. **Mayor Hart** stated
7 that 16.17.205 is about propane and natural gas fire pits for cooking purposes. They are allowed
8 as approved on the plan by the Ivins City Fire Chief. **Dale Coulam** stated they would be
9 approved on the plan as the amenity on the site. No campfires. **Mayor Hart** stated 16.17.206
10 Council agreed on the Management redline change. Page 6 City Council agreed with 180 days
11 maximum in a year. **Mayor Hart** stated that he still likes 75% and 25% for transient room tax
12 versus longer stays. **Council Member Steven Roberts** wants to know the developers
13 perspective on that. **Council Member Jenny Johnson** stated she would rather see the sites full
14 than not used at all, so she likes the 70% and 30%. City Council agreed to leave it as is. **Mayor**
15 **Hart** inquired on Page 7 under recreational amenities why we added bathroom facilities,
16 etc.? **Dale Coulam** stated that he thought those were comments from the developer and it is
17 covered under accessories in the section below. We will remove those. **Mayor Hart** stated that
18 on 16.17.210 City Council agreed to changing the minimum to average. City Council agreed to
19 proceed with these clarifications and set for Public Hearing at the next meeting 08/18/16.

20 **MOTION: Council Member Densley moved to approve the changes with the modifications**
21 **discussed and present for Public Hearing at the next City Council meeting**

22 **SECOND: Council Member Roberts**

23 **VOTE: The motion carried.**

Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Densley	AYE
Council Member McDonald	ABSENT
Council Member Mehr	ABSENT

6) **CONSENT AGENDA**

A. Approval of City Council Meeting Minutes for July 21, 2016

25 **MOTION: Council Member Johnson moved to approve the Consent Agenda, with**
26 **corrections on flag salute and prayer.**

27 **SECOND: Council Member Roberts**

28 **VOTE: The motion carried.**

Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Densley	AYE
Council Member McDonald	ABSENT
Council Member Mehr	ABSENT

7) **CONSENT AGENDA ITEMS FOR DISCUSSION**

8) **REPORTS**

A. Council

30 **Council Member Jenny Johnson**-no report.

31 **Council Member Steven Roberts** wished a Happy Birthday to Council Member Jenny Johnson.

32 **Council Member Ron Densley**-no report.

B. **Mayor**

1 **Mayor Hart** stated that he attended a breakfast at Intermountain Health Care Dixie Regional
2 Medical Center celebrating 40 years in Washington County and presented Ivins City with a
3 plaque.

C. [City Manager/Attorney Dale Coulam](#)

4 **Dale Coulam** stated that one of the primary topics discussed at the Trust meeting he attended
5 there was an audit performed by the State Auditor's Office. He Pointed out to the Council that
6 although the audit report sounded a little critical, the Trust really does a great job and addressed
7 the issues raised by the audit very well. He personally finds them competitive and the best
8 organization to provide services for insurance, training and inspections for Risk Management
9 and prevention.

10 **Mayor Hart** stated the statue is done in terms of being welded together, all touch-up is done. It
11 is sandblasted and ready for color. He is hoping it will be here for Heritage Days. They have
12 their own truck and trailer delivery but that is not available until the end of August. Ed would
13 like to meet with our Parks and Recreation department to discuss lighting. **Dale Coulam** stated
14 that the lighting is in and the cameras are ordered.

D. Items to be placed on future agendas

9) **CLOSED MEETING**

10) [ADJOURNMENT](#)

15 **MOTION: Council Member Johnson moved to adjourn**

16 **SECOND: Council Member Roberts**

17 **VOTE: The motion carried.**

Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Densley	AYE
Council Member McDonald	ABSENT
Council Member Mehr	ABSENT

18 The meeting adjourned at 7:22 p.m.